



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 19-015**

**AN ORDINANCE TO AMEND SECTIONS 94.4.02(1) *SINGLE-FAMILY DETACHED RESIDENCE* AND 94.4.09(2) *DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE)***

WHEREAS, the Village of Weston is authorized to prepare, amend and adopt a zoning ordinance under Wis. Stats. §§ 62.23 and 61.35; and

WHEREAS, the Village adopted a new Chapter 94 in March 2015, to serve as the Village's zoning ordinance and the Village's extraterritorial zoning ordinance for the portions of the Town of Weston defined as the extraterritorial zoning area; and

WHEREAS, the Plan Commission reviewed a request by a resident who wanted the residential metal roofing regulations revised and directed staff to propose an amendment to the ordinance at their June 10, 2019 meeting; and

WHEREAS, the Joint Town and Village of Weston Extraterritorial Zoning Committee and the Village Plan Commission held a joint public hearing on this ordinance, on September 9, 2019, in compliance with Wis. Stat. § 62.23; and

WHEREAS, following such hearing, the Village Plan Commission has recommended enactment of the zoning ordinance amendments contained herein for applicability within the Village limits; and

WHEREAS, following such hearing, the Joint Town and Village of Weston Extraterritorial Zoning Committee has recommended enactment of the zoning ordinance amendments contained herein for applicability within the extraterritorial zoning area; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendations of said Commission and Committee; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain as follows:

SECTION 1: Sections 94.4.02 (1): *Single-Family Detached Residence* and 94.4.09(2) *Detached Accessory Structure (for Residential Use)* are hereby amended to provide as follows:

## **Section 94.4.02: Residential Land Use Types**

### **(1) Single-Family Detached Residence.**

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, and located on an individual lot. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or by federal law may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label. Mobile homes that have not received a Federal Manufactured Housing Certificate label are not included within the Single-Family Detached Residence land use type.

**Performance Standards:** The following performance standards shall apply to each Single-Family Detached Residence constructed or expanded as defined by Section 94.10.02 after March 18, 2015, except that any of the standards 1 through 8 may be waived or modified by conditional use permit, upon a finding that the architectural style of the proposed residence provides compensating design features and that the proposed residence will be compatible and harmonious with other residences in the vicinity. If alterations are made to any of the individual standards listed below, then said standard shall be met.

1. Shall have minimum gross floor area of 1,000 square feet, not including an attached garage, carport, deck, porch, or unfinished basement.
2. Shall be served by a garage on the same lot of at least 400 square feet of gross floor area for each dwelling unit and meeting associated requirements in Section 94.4.09(2).
3. Shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof.
4. Each residence and attached building shall have a roof surfaced with any of the following: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; ~~architectural standing seam screw down metal roofing; hidden fastener metal roofing; or~~ rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
5. Each residence and attached building shall be covered with siding made of wood, masonry, concrete, stucco, Masonite, vinyl, metal lap, or similar material approved by the Zoning Administrator. Exterior siding shall extend down to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
6. Shall be placed on a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. Such foundation shall not extend more than 24 inches above the exterior finished grade of the lot, except that where the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet this requirement.

7. The side of any residence facing the front yard shall not be less than 24 feet in width, not including attached garages, carports, and open decks. The ratio of each residence's length to its width shall be no greater than 5 to 2. Therefore, a minimum 24-foot long residence must be at least 9 feet 7 inches wide.
8. The width of attached garages with front yard facing garage doors shall be limited to a maximum of 60 percent of the overall width of the residence as it faces the front yard.
9. May not be split into two or more dwelling units, except for "In-Home Suites" meeting the requirements of this Article.
10. If in a subdivision platted after March 18, 2015, shall meet the single-family and two-family housing variety standards in Section 94.10.02.
11. No carport may be attached to a Single-Family Detached Residence after March 18, 2015.
12. Minimum Required Off-Street Parking: 2 outdoor spaces, such as in a driveway, plus garage space(s). All motor vehicles shall be parked on a hard surface as defined in Section 94.17.04, or on a graveled surface if such surface was permitted before January 1, 2014 and completed within one year of issuance.

#### **Section 94.4.09: Accessory & Miscellaneous Land Use Types**

(2) **Detached Accessory Structure (for Residential Use).**

An accessory structure serving a residential principal land use and building (e.g., a house or apartment building), but not attached to the principal building. Includes detached residential garages and carports (where permitted) designed primarily to shelter parked passenger vehicles, utility sheds as defined in Section 94.17.04, private recreation structures such as gazebos, and detached elevated decks or walkways associated with residential uses. All structures that are utilized for Agricultural Land Use Types (as listed in Section 94.4.03), that exceed 2,000 square feet in floor area, are within a rural and open space or RM zoning district, or are on parcels over 10 acres in area shall instead be regulated as a principal structure, and not as a "Detached Accessory Structure."

**Figure 4.09(2): Detached Accessory Structure (for Residential Use) Allowances**

Principal Land Use	Zoning District	Maximum Permitted Type and Quantity of Detached Accessory Structure <sup>1</sup>	Minimum Distance from Other Buildings <sup>2</sup>
Single-Family Detached Residence	FP, RM, AR and RR-5	Maximum of five <sup>3</sup>	10 feet
	Any other zoning district	1 Detached Garage; and 1 Utility Shed; and 1 Gazebo	10 feet



Two-Family Residence	Any district where principal building located	1 Utility Shed per Housing Unit	10 feet
Multi-Family Residence	Any district where principal building located	*As approved through Site Plan Procedures	10 feet
Manufactured Home or Mobile Home	MH	1 Utility Shed <sup>4</sup> and 1 Carport <sup>5</sup> or 1 Detached Garage <sup>6</sup>	5 feet from the accompanying home and 10 feet from all other buildings

<sup>1</sup> The terms detached garage, utility shed, gazebo and carport are defined in Section 94.17.04.

<sup>2</sup> See Figures 5.01(1) and 5.01(2) for maximum floor areas, maximum lot coverage, minimum property line setbacks, and maximum heights relating to detached accessory buildings.

<sup>3</sup> Except where approved by the Plan Commission as part of an approved site plan.

<sup>4</sup> Each Utility Shed within the MH zoning district shall not be greater than 144 square feet in floor area with a 5-foot building separation.

<sup>5</sup> Each Carport within the MH zoning district shall not be greater than 200 square feet in floor area with a maximum width of 10 feet.

<sup>6</sup> Each Detached Garage within the MH zoning district shall not be greater than 344 square feet in floor area with a maximum width of 14 feet.

#### **Performance Standards:**

1. No Detached Accessory Structure (for Residential Use) shall be constructed on any lot prior to establishment of a principal use on that same lot.
2. Except within the AR and RM zoning districts, no hoop building, tarp shed, or carport shall be a permitted as a Detached Accessory Structure (for Residential Use), except on a temporary basis for a maximum of five consecutive days within a 30-day period for a special event such as a sale on the property following issuance of a temporary use permit.
3. The roof of each Detached Accessory Structure (for Residential Use), including those permitted under standard 2, shall be designed to withstand a minimum of a 40-pounds per square foot of snow load.
4. All driveways built to serve Detached Accessory Structures (for Residential Use) are subject to associated standards under Section 94.12.08. Each Detached Accessory Structure (for Residential Use) shall be served by a driveway connected to a public road if used to shelter a motor vehicle or trailer, or where vegetative ground cover to an overhead door cannot be maintained in the determination of the Zoning Administrator or Building Inspector.
5. The exterior walls of each Detached Accessory Structure (for Residential Use) shall be sided with wood, masonry, concrete, stucco, Masonite, horizontal vinyl or metal

lap siding, or similar material approved by the Zoning Administrator. Vertical siding is also allowed in all RM and rural and open space zoning districts aside from RR-2. All exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.

6. Roofs of Detached Accessory Structures (for Residential Use) shall be surfaced with any of the following materials: wood shakes; asphalt, composition, or wood shingles; clay, concrete or metal tiles; slate; built-up gravel materials; ~~architectural-standing seam-metal-roofing; hidden-fastener screw down~~ metal roofing; rubber membrane (for flat roofs or roofs with no greater than a 1:12 pitch); or similar material approved by the Zoning Administrator.
7. Pole or ladder constructed buildings shall be permitted only within the RM and rural and open space zoning districts, except for the RR-2 district, and shall be subject to subsections 5. and 6. of this section.
8. No Detached Accessory Structure (for Residential Use) shall involve or include the conduct of any business, trade, or industry, except for home occupations and residential businesses as described and limited elsewhere in this Article 4.
9. No Detached Accessory Structure (for Residential Use) shall be occupied as a dwelling unit or otherwise used for human habitation, unless it has first been approved for such use by the Building Inspector and meets all applicable requirements of the State for a dwelling and under Section 94.4.09(8).
10. In all residential, RR-2 and non-residential and mixed-use zoning districts, and for all Multi-family Residences regardless of district, no portion of a Detached Accessory Structure (for Residential Use) shall occupy any land between the principal building on a residential lot and a street right-of-way, except where approved by the Plan Commission as part of an approved site plan.
11. See Figures 5.01(1) and 5.01(2) for other setback, floor area, building height, and coverage standards associated with Detached Accessory Structures in residential zoning districts. Maximum floor area and total building coverage shall not exceed the maximums set forth in Figure 5.01(1), except as allowed by a conditional use permit, subject to the procedures in Section 94.16.06 and all of the following standards for the Detached Accessory Structure:
  - a. Not taller or have more floors above ground level than the principal building.
  - b. Has a similar roof slope and overhang width as the principal building. If the principal building has multiple roof slopes and/or overhang widths, the roof slopes and widths of the accessory structure shall reflect those principal building roof characteristics that are most visible from the public street.
  - c. Shingles or other roof surface shall be of a similar material and color as the roof surface of the principal building.
  - d. Siding shall be of a similar material and color as the siding on the principal building, except that where the siding on the principal building is stone or brick, another compatible material may be selected.
  - e. May not be located further toward the front lot line than the principal building.

- f. Shall meet all setback requirements normally applicable to principal buildings per Figure 5.01(2).
12. Detached garages serving Multi-Family Residences shall be accompanied by a bufferyard meeting the requirements of Section 94.11.02(3)(d) between the garage and (a) the public right-of-way and (b) a property line abutting any residentially zoned property.


SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village and within its extraterritorial zoning jurisdiction in the Town of Weston.


SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16<sup>th</sup> day of September, 2019

WESTON VILLAGE BOARD

By:   
Wally Sparks, its President

Attest:  
  
Sherry Weinkauff, its Clerk

APPROVED: 9-16-19

PUBLISHED: 9-19-19

## Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted on September 16, 2019, the following Ordinances:

1. Ordinance No. 19-011: An Ordinance to approve the rezoning of 4.57 acres of land from SF-L Single Family Residential-Large Lot to MF Multiple Family Residential; located northwest of the intersection of Hunt Street and Callon Avenue.
2. Ordinance No. 19-015: An Ordinance to amend Sections 94.4.02(1) Single-Family Detached Residence And 94.4.09(2) Detached Accessory Structure (For Residential Use).
3. Ordinance No. 19-016: An Ordinance to approve the rezoning of 38.608 acres of land from AR Agriculture and Residential to RR-5 Rural Residential-5 Acre; located north of River Road within the Extraterritorial Zoning Jurisdiction of the Village of Weston.

The full text of Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 17<sup>th</sup> day of September 2019  
Sherry Weinkauf, Village Clerk

Published: 9/19/19



# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

VILLAGE OF WESTON

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WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-1081606  
Order Number: 0003796449  
No. of Affidavits: 1  
Total Ad Cost: \$25.20  
Published Dates: 09/19/19

Notice of Newly Enacted Ordinances  
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Dated this 17th day of September 2019  
Sherry Weinkauff, Village Clerk  
Run: Sept. 19, 2019 WNAXLP

(Signed)



(Date)

9-27-19

Legal Clerk

Signed and sworn before me



My commission expires

9/19/21



VOUCHER APPROVAL

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10-06-56910

- 321-000

Description:

Notice of Enacted Ordinances

Sept 2019 PC

VILLAGE OF WESTON  
Re 09162019000

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# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

VILLAGE OF WESTON

5500 SCHOFIELD AVE

WESTON

WI 544764333

# of Affidavits: 1

**This is not an invoice**

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

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Order Number: 0003796449  
No. of Affidavits: 1  
Total Ad Cost: \$41.84  
Published Dates: 09/19/19

## VOUCHER APPROVAL

Account Number: \_\_\_\_\_

Description: \_\_\_\_\_

Approved by \_\_\_\_\_

Initials

Date

(Signed)



Legal Clerk

(Date)

11/25/19

Signed and sworn before me



My commission expires

8-25-23

SHELLY HORA  
Notary Public  
State of Wisconsin

VILLAGE OF WESTON

Re: 09162019Ord

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Dated this 17th day of September 2019

Sherry Weinkauff, Village Clerk  
Run: Sept. 19, 2019 WNXLP



**VILLAGE & TOWN OF WESTON  
NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that a joint public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extraterritorial Zoning Committee, on Monday, September 9, 2019, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:

**AN ORDINANCE TO AMEND SECTIONS 94.4.02(1) *SINGLE-FAMILY DETACHED RESIDENCE* AND 94.4.09(2) *DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE)*.**

The hearing notice with application materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>.

Written testimony for the hearing must be submitted to Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), by noon on Tuesday, September 3, 2019, to be included in the Meeting Packet. All interested persons attending the Public Hearing will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call the Village Planning and Development Department, at 715-241-2613.

Dated this 22nd day of August 2019

Valerie Parker  
Commission/Committee Secretary

Published as a Class 2 Notice in the Wausau Daily Herald on Monday, August 26, 2019 and Monday, September 2, 2019.



# DAILY HERALD media

A GANNETT COMPANY

STATE OF WISCONSIN  
BROWN COUNTY

VILLAGE OF WESTON

5500 SCHOFIELD AVE

WESTON

WI 544764333

I, being duly sworn, doth depose and say I am an authorized representative of The Wausau Daily Herald, a newspaper at Wausau Wisconsin and that an advertisement of which the annexed is a true copy, taken from said paper, which published therein on:

Account Number: GWM-1081606  
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No. of Affidavits: 1  
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(Signed)



(Date)

9-8-19

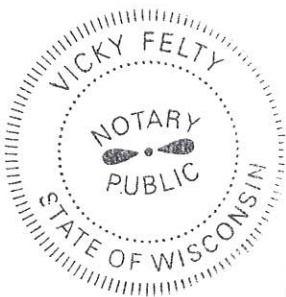
Legal Clerk

Signed and sworn before me



My commission expires

9-19-21



10-06-56925-321-000  
ETZ Sept Pub Hearing  
Notice  
9/24/19 9/24/19 Ord Amend  
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Hearing Notice - Ord Amend

Approved by: [Signature]

Date: 9/24/19

email: WDH-Legals@wdhmedia.com

VILLAGE & TOWN OF WESTON  
NOTICE OF PUBLIC HEARINGS  
NOTICE IS HEREBY GIVEN that a joint public hearing will be held before the Village of Weston Plan Commission and Joint Town and Village of Weston Extra-territorial Zoning Committee, on Monday, September 9, 2019, at approximately, 6:00 p.m., or shortly thereafter, at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476 to take testimony relative to the following:  
AN ORDINANCE TO AMEND SECTIONS 94.4.02(1) SINGLE-FAMILY DETACHED RESIDENCE AND 94.4.09(2) DETACHED ACCESSORY STRUCTURE (FOR RESIDENTIAL USE).  
The hearing notice with application materials are available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearings-Notices>.  
Written testimony for the hearing must be submitted to Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), by noon on Tuesday, September 3, 2019, to be included in the Meeting Packet. All interested persons attending the Public Hearing will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call the Village Planning and Development Department, at 715-241-2613.  
Dated this 22nd day of August 2019  
Valerie Parker  
Commission/Committee Secretary  
August 26, September 2, 2019  
WVAXLP

VOUCHER

VILLAGE OF WESTON

Re: PH 9/9/19

PHONE 920-431-8298

FAX 877-943-0443

Date

\$28.25

## REQUEST FOR CONSIDERATION

<b>PUBLIC MTG/DATE:</b>	Board of Trustees, September 16, 2019
<b>DESCRIPTION:</b>	Ordinance No. 19-015 - An Ordinance to Amend Sections 94.4.02(1) Single-Family Detached Residence And 94.4.09(2) Detached Accessory Structure (For Residential Use).
<b>FROM:</b>	Jennifer Higgins, Director of Planning and Development / Zoning Administrator
<b>QUESTION:</b>	Should the BOT approve the ordinance amendment as recommended by the Plan Commission/ETZ Committee?

### Background

This is a change to the zoning ordinance the Plan Commission directed staff to draft following the July 2019 Plan Commission meeting where a resident of the Town of Weston owning property in the ETZ area attended the meeting and requested a change to the roofing material requirements for single family homes. The gentleman was looking to put a metal roof on his home and did not want to use the hidden fasteners. He wanted to do an exposed fastener metal roof which is currently not allowed per code. Staff has made the directed amendment to the ordinance and also included the section on detached accessory structures which would allow for an accessory structure to match the roofing material on the home. A public hearing was held at the Joint meeting of the PC and ETZ Committee. Both the Committee and Commission recommended approval of the amendment but requested staff add that only screws are allowed to be used not nails.

<b>ATTACHED DOCS:</b>	Draft Ordinance No. 19-015
<b>COMMITTEE ACTION:</b>	PC/ETZ held a public hearing on 9/9/19. No one spoke in opposition. One resident spoke in favor. PC/ETZ recommend approval with the addition of a requirement that screws be used to affix not nails. Staff has made this change.
<b>FISCAL IMPACT:</b>	TBD
<b>RECOMMENDATION:</b>	Director/Zoning Administrator recommends approval.

### RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

**I move to Approve/Deny Ordinance No. 19-015.**

<b>ADDITIONAL ACTION:</b>	Approved Ordinance sent to Daily Herald for Publication (Staff) Update made in the Code of Ordinances (Staff)
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